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REMARKS

Claims 1-4, 6-19, and 21-32 remain pending and at issue in the above identified patent application. Of the claims at issue, claims 1, 16, and 32 are independent. In view of the following remarks, reconsideration of the application is respectfully requested.

The Rejections under 35 U.S.C. § 102

Independent claim 32 is rejected as anticipated by Bhatt (US 2002/0073426) as described in the action. In light of the following remarks, the applicants respectfully request that the rejection be withdrawn.

Independent claim 32 is directed to a system for efficient storage of data including a processor that directs that data be temporally sorted based upon a current time into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future. Despite the examiner's allegation, Bhatt does not teach or suggest temporally sorting data based upon a current time.

In sharp contrast, Bhatt describes a system wherein a selection algorithm periodically (typically daily) receives electronic program guide (EPG) data, and sorts the data based upon user preferences, and not on any temporal considerations, let alone based upon a current time. In particular, the examiner states that the "temporally sorted based upon a current time" is "very broad and is interpreted to be temporally sorted based upon a current time or time period." (Office action, page 2). The examiner then contends that "Bhatt discloses receiving a daily download and proceeding at the current time with an algorithm which separates data to be immediately accessed and data to be accessed in the distant future (Page 3, paragraphs 0031, 0032)." (*Id.*). Additionally, the examiner states that "Bhatt clearly discloses the limitations [] based on preference data or *data that is most likely to be used that is temporally sorted upon a current time or sorted based on time upon a current time period.*" (*Id.*, emphasis original). Regardless of the examiner's broad interpretation of the claim language,

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the applicants respectfully note that the examiner's interpretation of Bhatt is not supported by the cited passage.

Specifically, paragraphs 0031 and 0032 do not describe a system that temporally separates data into data to be immediately accessed and data to be accessed in the distant future. Rather, Bhatt describes that the EPG data stored in the memory module (i.e., the most rapid access) is obtained by identifying "preferred data" and accordingly, Bhatt describes a system that separates EPG data into data that is preferred (i.e., a user will likely access the EPG data) and non-preferred (i.e., a user will not likely access the EPG data) regardless and without concern for a current time (e.g., a current time or time period). To clarify, paragraphs 0031 and 0032 are reproduced in full below.

[0031] FIG. 4 depicts a selection algorithm to select and maintain the contents of the EPG in the separate memory components. Periodically, typically at midnight each day, EPG data is downloaded in event 420 from the signal transmitted by the service provider. The daily download of EPG information is initially stored in event 430 on the hard disk. In event 450, the algorithm searches the downloaded EPG for a match with programs, channels and schedules preferred by the individual user. In event 470, if the algorithm finds a match the algorithm stores the matching data on the rapidly accessed memory module. If the service provider transmits updated EPG during the day the algorithm also searches the updated information for a match, as described below.

[0032] Preferred programming 440 is determined from the following information entered by the user(s): five most frequently viewed channels 442, five most viewed programs 444, five most viewed program types 446 and the five most viewed time slots 448. The five most frequently viewed channels 442, five most viewed programs 444, five most viewed program types 446 and the five most viewed time slots 448 constitute preferred data. If the EPG is updated, the algorithm searches, in event 460, the updated information for a match with viewer preferences. If a match is found between upcoming programming and viewer preferences, the information stored in the most rapid access memory is adjusted, in event 480.

(emphasis added).

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The recited language in claim 32 is directed to *how* the received data is sorted, i.e., what criteria is used to sort data received by the processor. As recited in claim 32, data is “temporally sorted based upon a current time into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.” In Bhatt, however, data is sorted based upon “the following information entered by the user(s): five most frequently viewed channels 442, five most viewed programs 444, five most viewed program types 446 and the five most viewed time slots 448.” In each of these described examples, data is sorted without concern for any temporal conditions. *When* the data is actually sorted (i.e., after the daily download) is irrelevant, as the data itself must be temporally sorted regardless of when that sorting occurs.

To illustrate, assume a user in Bhatt indicates that their most frequently viewed channels are channels 2, 3, 4, 5, and 6. With the user’s “most frequently viewed channel” preferences set, upon the receipt of EPG data, Bhatt will sort the received EPG into preferred and non-preferred locations according to the user defined preferences (i.e., the most frequently viewed channels). In this instance, all the EPG data for channels 2-6, will be placed in the preferred memory regardless of the current time, and regardless of whether the sorted EPG data corresponds to programs scheduled in one second, one hour, one day, one week, one month, etc., from the current time. Meanwhile, EPG data for the remaining channels is simply placed in non-preferred storage, without regard to any likelihood of access based upon a current time. Bhatt simply does not perform any temporal sorting based upon a current time as claimed, and certainly does not temporally sort into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.

The same holds true if the user indicates that their five most viewed *time slots* are between 6 and 11 pm each night. Again, with the user’s “time slot” preferences set, upon the

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receipt of EPG data, Bhatt will sort all the EPG data for programs scheduled between 6 and 11 pm each night into preferred memory, while all EPG data outside those preferences will be maintained in non-preferred memory, regardless of when those programs are scheduled. Bhatt simply does not describe temporally sorting data based upon a current time into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.

Therefore due to the deficiencies in Bhatt, it follows that Bhatt cannot anticipate claim 32 or any claims dependent thereon. In particular, because Bhatt does not disclose or suggest temporally sorting EPG data based upon a current time into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future, Bhatt cannot anticipate claim 32.

Accordingly, for the foregoing reasons, it is respectfully submitted that claim 32 is in condition for allowance.

The Rejections under 35 U.S.C. § 103

The remaining claims were rejected as being unpatentable over Tsukidate (US 6,507,950) in view Bhatt (US 2002/0073426). It is respectfully submitted that all claims are allowable over these patents for at least the reasons set forth below.

Independent claims 1 and 16 are generally directed to a system and/or method of organizing electronic program guide data based upon time based event horizons, similar to claim 32. In particular, claim 1 recites, *inter alia*, a system for organizing data wherein a processor directs that the data be temporally sorted based upon a current time into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future. Claim 16 recites, *inter alia*, a method for organizing data, wherein a processor controls the storage and manipulation of the data between the physical memory and the mass storage device so that the data is temporally sorted based upon

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a current time into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.

As noted, claims 1 and 16 were rejected as obvious over Tsukidate in view Bhatt. However, neither Tsukidate nor Bhatt, either alone or in combination, describes or suggests temporally sorting data based upon a current time into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.

In contrast, Tsukidate does not describe or suggest that the data is temporally sorted into data that is most likely to be accessed. This deficiency is again acknowledged by the examiner (Office action; page 6).

In an attempt to cure the noted deficiency of Tsukidate, the examiner relies upon Bhatt. As illustrated above, however, Bhatt similarly fails to describe or suggest temporal sorting of data based upon a current time into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future.

Therefore, due to the deficiencies in both Tsukidate and Bhatt, it follows that no combination of Tsukidate and Bhatt can render obvious claims 1, 16, or any claims dependent thereon. In particular, because neither Tsukidate nor Bhatt discloses temporally sorting data based upon a current time into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future, no combination of Tsukidate and Bhatt obviate the claims. Accordingly, it is respectfully submitted that claims 1, 16, and all claims dependent thereon are in condition for allowance.

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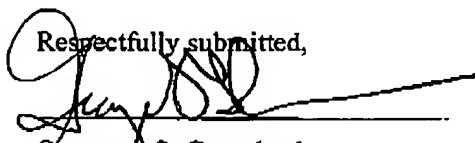
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Conclusion

Reconsideration of the application and allowance thereof are respectfully requested.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



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